DETAILED ACTION

1.   This action is responsive to the Applicant's response filed 9/10/08.

As indicated in Applicant's response, claims 1-20 are pending in the office action.

The Terminal Disclaimer filed 9/30/08 has overcome the outstanding Double Patenting

Rejection.

EXAMINER'S AMENDMENT

2.   An examiner's amendment to the record appears below. Should the changes and/or

additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR

1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the

payment of the issue fee.

3.   Authorization for this examiner's amendment was given in a telephone interview with

Houda El-Jarrah, Reg. # 60006 on 9/29/08.

The application has been amended as follows.

In the CLAIMS:

The claims have been amended according to the herein attached Amendment, namely,

"Final Proposed Amendments", provided as file "Proposd_93008.pdf".

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

4.   Claims 1-4, 8-14, 18-20 are allowed.

The following is an examiner's statement of reasons for allowance.

The prior art taken separately or jointly does not suggest or teach the following features.

Product or method for identifying differences between first build and second build

programs, comprising (i) first call tree data structure for first trace of the first build, and a second

call tree data structure for a second trace of the second build, walking the second call tree over

the first call tree to generate a third call tree structure, wherein (ii) the third call tree data

structure includes all nodes of both the first call tree data structure and the second call tree data

structure, and wherein each node of the third call tree data structure includes a pass field having

one of a first pass field value indicating that a first node was only present in the first call tree data

structure, a second pass field value indicating that a second node was only present in the second

call tree data structure, and a third pass field value indicating that a third node was present in

both the first call tree data structure and the second call tree data structure, and (iii) wherein

walking the second call tree data structure over the first call tree data structure further comprises:

for each node that exists in both the first call tree data structure and the second call tree

data structure, generating a node in the third call tree data structure with a pass field value

computed by subtracting a base value of the node in the second call tree data structure from a

base value of a corresponding node in the first call tree data structure;

for each node that exists in only the second call tree data structure, creating a node in the

third call tree data structure with a pass field value having a negative base value corresponding to

a base value of the node that exists in only the second call tree data structure;

setting the pass field of the node in the third call tree data structure to the third pass field

value; as set forth in claims 1, 8, 20.

Levine, USPN:6,349,406 calculates overhead value compensation of node in a call tree

stack based on trace file performance statistics, not identifying differences between builds; and in

combination with **Reissman**, USPubN: 2005/00171818, whose method is about scanning

dictionaries of classes for finding differences between builds, does not suggest or teach pass field

for first and second call tree data structure corresponding each to trace data of a first and second

program as in (i) for identifying differences between builds for execution; creating a third tree

data structure from walking the second call tree over the first call tree, the third call tree structure

including nodes having pass field as set up in (ii) wherein the setting of pass field value for the

third call tree node is implemented based on the conditions of (iii).

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Tuan A Vu whose telephone number is (571) 272-3735. The

examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lewis Bullock can be reached on (571)272-3759.

The fax phone number for the organization where this application or proceeding is

assigned is (571) 273-3735 (for non-official correspondence - please consult Examiner before

using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-

272-3609.

Any inquiry of a general nature or relating to the status of this application should be

directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application

Information Retrieval (PAIR) system. Status information for published applications may be

obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan A Vu/

Primary Examiner, Art Unit 2193

September 30, 2008